

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

STIFEL, NICOLAUS & COMPANY
INCORPORATED,

Plaintiff,

v.

ESTATE OF PAUL CLAYTON
CAMPBELL, VIOLA VERRAN, CAROLE
ANN CAMPBELL, DWIGHT D.
CAMPBELL, THE LINCOLN NATIONAL
LIFE INSURANCE COMPANY,

Defendants.

2:21-CV-00057-DCLC-CRW

ORDER

This matter is before the Court on Plaintiff Stifel, Nicolaus & Company's ("Stifel") Second Motion for Attorney Fees [Doc. 57]. On September 20, 2022, the Court referred Stifel's motion to Magistrate Judge Cynthia R. Wyrick for a Report and Recommendation on the Motion [Doc. 61]. Following a hearing with the magistrate judge, the Parties reached an agreement that Stifel would receive \$16,000.00 in attorneys' fees [Docs. 62–63]. The magistrate judge then entered a Report and Recommendations (the "R&R") recommending that the Court grant the motion in part and award Stifel \$16,000.00 per the Parties' agreement [Doc. 63]. The Parties' agreement is reasonable, and the Court therefore **ADOPTS** the R&R [Doc. 63]. Stifel's Motion [Doc. 57] is **GRANTED IN PART AND DENIED IN PART**. The Court **AWARDS** \$16,000.00 in attorneys' fees to Stifel to be paid proportionally out of the proceeds of the accounts at issue as described below.

Under the Judgment and Order entered July 21, 2022, the proceeds of accounts XXXX-7799 and XXXX-6662 are due to Carole Ann Campbell and Dwight D. Campbell in equal shares [Doc. 55]. The funds from the Lincoln Annuity—account XXXX-2547—will be disbursed to the estate [*Id.*]. First, however, the Court must deduct attorneys' fees. The Registry informs the Court that, inclusive of accrued interest, the Registry holds deposits from Stifel accounts XXXX-7799 and XXXX-6662 totaling \$147,727.03, and from the Lincoln Annuity in the amount of \$120,763.37. Accounts XXXX-7799 and XXXX-6662 therefore represent 55.02% of the total funds to be disbursed to the Parties, and account XXXX-2547 constitutes 44.98%. Of the \$16,000 owed in attorneys' fees, therefore, accounts XXXX-7799 and XXXX-6662 shall furnish 55.02%, or \$8,803.42 for a remainder of \$138,923.61 to be paid to Carole and Dwight Campbell in shares of **\$69,461.81** and **\$69,461.80** respectively. From account XXXX-2547, the remaining 44.98%, or \$7,196.58 is deducted, for a total of **\$113,566.79** to be paid to the estate. The Clerk shall pay **\$16,000.00** to the law firm Gordon Rees Scully Mansukhani, LLP.

Any party objecting to the above **SHALL** file a notice stating the basis of its objection on or before **Monday, December 12, 2022**. If an objection is filed, this order shall be stayed until the Court resolves the objection. If no objection is filed, then on or after Tuesday, December 13, 2022, the Clerk is **DIRECTED** to issue checks to the parties and in the amounts specified above as summarized below and then close the case:

To:	Pay:
Carole Ann Campbell	\$69,461.81
Dwight D. Campbell	\$69,461.80
Estate of Paul Clayton Campbell	\$113,566.79
Gordon Rees Scully Mansukhani, LLP	\$16,000.00

SO ORDERED:

s/ Clifton L. Corker
United States District Judge